Case 23-40709 Doc 247 Filed 08/13/24 Entered 08/13/24 16:45:49 Desc Main Document Page 1 of 3

# UNITED STATES BANKRUPTCY COURT DISTRICT OF MASSACHUSETTS

WORCESTER, ss.		
In re:	)	Chapter 7 Case No. 23-40709-CJF
WESTBOROUGH SPE LLC,	)	
Debtor.	)	

# MOTION TO REQUEST DECISION ON CREDITOR'S MOTION FOR ORDER DIRECTING TRUSTEE TO ABANDON CLAIMS OR PURSUE CLAIMS BELONGING TO THE BANKRUPTCY ESTATE (DKT. 166)

Now comes **Lolonyon Akouete**, Creditor of Westborough SPE LLC (the "Debtor"), and respectfully requests that this Honorable Court issue a decision on the pending Motion filed by Creditor on May 22, 2024, requesting an Order directing the Trustee to abandon claims or pursue claims belonging to the bankruptcy estate (Dkt. 166). In support of this Motion, Creditor states as follows:

# 1. Background

- 1.1. On May 22, 2024, Creditor filed a Motion for Order Directing the Trustee to Abandon Claims or Pursue Claims Belonging to the Bankruptcy Estate (Dkt. 166).
- 1.2. On June 5, 2024, the Trustee, Jonathan R. Goldsmith, filed an Objection to Creditor's Motion (Dkt. 173).
- 1.3. On June 17, 2024, Creditor filed a Response to the Trustee's Objection (Dkt. 179).

#### 2. Basis for Request

- 2.1. It has been nearly three months since the Creditor's Motion was fully briefed and submitted to the Court.
- 2.2. The lack of a timely decision on this Motion is causing significant delays and uncertainties in the administration of the bankruptcy estate, particularly regarding the claims that are the subject of the Motion.
- 2.3. The delay in ruling on this Motion hinders the Creditor's ability to take necessary actions to protect his interests in the bankruptcy estate.

## 3. Relief Requested

3.1. Creditor respectfully requests that this Court issue a decision on the pending Motion (Dkt. 166) as soon as possible, so that the issues raised therein can be resolved and the administration of the bankruptcy estate can proceed without further delay.

## 4. Conclusion

For the reasons set forth above, Creditor respectfully requests that this Court:

- a. Issue a decision on Creditor's Motion for Order Directing the Trustee to Abandon Claims or Pursue Claims Belonging to the Bankruptcy Estate (Dkt. 166) without further delay; and
- b. Grant such other and further relief as the Court deems just and proper.

DATED: August 13, 2024, Respectfully submitted:

By creditor,

THE RESERVE TO THE PARTY OF THE

Lolonyon Akouete 800 Red Milles Rd Wallkill NY 12589 info@smartinvestorsllc.com (443) 447-3276

#### CERTIFICATE OF SERVICE

I, Lolonyon Akouete, hereby certify that the above document is served by email and mailing a copy of the same, first-class mail, to the following:

Stephen F. Gordon, Attorney of the Petitioners

(Email: sgordon@gordonfirm.com)

The Gordon Law Firm LLP

River Place 57 River Street Wellesley, MA 02481

Scott A. Schlager on behalf of,

Nathanson & Goldberg, P.C., a creditor.

(Email: sas@natgolaw.com)

183 State Street, 5th Floor Boston, MA 02109

Assistant U.S. Trustee Richard King Office of US. Trustee 446 Main Street 14th Floor Worcester, MA 01608

USTPRegion01.WO.ECF@USDOJ.GOV

Jonathan R. Goldsmith Chapter 7 Trustee <a href="mailto:trusteedocs1@gkalawfirm.com">trusteedocs1@gkalawfirm.com</a> Goldsmith, Katz & Argenio P.C. 1350 Main Street, 15th Floor. Springfield, MA 01103

Dyann Blaine 20 Queensbrook Place Orinda, CA 94563 dyann.blaine@gmail.com

Jan Blaustein Scholes 7501 E Thompson Peak Pkwy Scottsdale, AZ 85255 jan.scholes2@gmail.com

Mark S. Lichtenstein AKERMAN LLP 1251 Avenue of the Americas, 37th Flr. New York, New York 10020 mark.lichtenstein@akerman.com Paul W. Carey, Attorney of Creditor FERRIS DEVELOPMENT GROUP, LLC (Email: <u>pcarey@mirickoconnell.com</u>) Mirick, O'Connell, DeMallie & Lougee, LLP

100 Front Street, Worcester, MA 01608

Brian W. Riley, Attorney of Creditor Jeffrey T. Blake, Attorney of Creditor Roger L. Smerage, Attorney of Creditor

TOWN OF WESTBOROUGH (Email: <a href="mailto:briley@k-plaw.com">briley@k-plaw.com</a>) (Email: <a href="mailto:jblake@k-plaw.com">jblake@k-plaw.com</a>) (Email: <a href="mailto:rsmerage@k-plaw.com">rsmerage@k-plaw.com</a>) KP Law, P.C. 101 Arch Street, 12th Floor Boston, MA 02110

Gary M Ronan
David M Abromowitz
Goulston&storrs
GRonan@goulstonstorrs.com
DAbromowitz@goulstonstorrs.com
400 Atlantic Avenue
Boston, MA 02110

Peter Blaustein 950 Vista Road Hillsborough, CA 94010 pblaustein@gmail.com

Walter Horst
Babcock & Brown
1264 Rimer Drive
Moraga, CA 94556
walter.horst@babcockbrown.com

Samual A. Miller, Esq.
AKERMAN LLP
420 South Orange Avenue
Suite 1200
Orlando, FL 32801
samual.miller@akerman.com
sharlene.harrison-carera@akerman.com

